

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 14-53459

ERIK MATTHEW PATTERSON,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO REINSTATE CHAPTER 13 CASE

This case is before the Court on Debtor's motion entitled "Motion To Reinstate Chapter 13 Case," filed on September 26, 2014 (Docket # 17, the "Motion"), which this Court construes as a motion for reconsideration of, and relief from, the September 22, 2014 Order dismissing this case (Docket # 13).

The Court has reviewed and considered the Motion, and finds that the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. First, the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), Fed.R.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

Second, the Court cannot reinstate this case in any event, because the Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period ending on the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

According to the facts stated in Debtor's Motion,¹ Debtor only received a credit counseling briefing on September 15, 2014, twenty-six days *after* filing the bankruptcy petition. With

¹ Motion (Docket # 17) at ¶ 2. Debtor still has not filed the actual credit counseling certificate.

exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain a credit counseling briefing *on or before* the date of filing the bankruptcy petition.

Accordingly,

IT IS ORDERED that the Motion (Docket # 17) is denied.

Signed on September 29, 2014

/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge